

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**ROBERT C. McALONEY,**

**Petitioner,**

**v.**

**Civil Action No. 5:07cv9  
(Judge Stamp)**

**WARDEN, DOMINIC A. GUTIERREZ,**

**Respondent.**

**ORDER GRANTING MOTION**

On January 18, 2007, the *pro se* petitioner filed an Application for Habeas Corpus pursuant to 28 U.S.C. §2241, seeking an order directing the Bureau of Prisons (“BOP”) to grant him the one year sentence reduction after successful completion of the Residential Drug Abuse Treatment Program or order the BOP to re-evaluate his eligibility for early release. On April 10, 2007, the respondent filed his Motion to Dismiss and Response to Show Cause Order. On April 11, 2007, a Roseboro Notice was issued, and on May 4, 2007, the petitioner filed a response consolidated with a Motion for Summary Judgment.

Thereafter, on August 7, 2007, the petitioner filed a Motion for Leave to submit additional evidence. The specific evidence the petitioner seeks leave to submit is his certificate demonstrating that he has satisfactorily completed the 500 hour Comprehensive Drug Treatment Program at FCI Morgantown. In the same pleading, the petitioner has filed Motion to Expedite Ruling because, having completed the residential portion of the program, he will not be able to leave the FCI facility to complete the Halfway House Treatment until his § 2241 petition is decided.

Having considered the same, the petitioner’s Motion (Doc. 9) is GRANTED and the Certificate of Completion is made a part of the record, and the Court will review the merits of petitioner’s claims as expeditiously as possible and as the Court’s calendar permits.

**IT IS SO ORDERED.**

The Clerk is directed to provide a copy of this Order to the petitioner and counsel of record.

DATED: November 30, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE